

SENATOR DEFIES THE SHIPPING LAWS

Sails for an Unknown
Destination Without
Clearance.

SHERIFF REBUFFED

Most Deliberate Defiance
of Law Seen in
Hawaii.

(From Sunday's Advertiser.)

A DAY'S DEVELOPMENTS.

Supreme court renders a decision expressing disapproval of methods used in taking emigrants off Korea. Witnesses discharged from custody. Attorney Olson takes boy off Senator on writ of habeas corpus. Complaints concerning minors on board are many. High Sheriff Henry twice refused permission to board Senator. Emigrant ship leaves without clearance papers, carrying off several men wanted on warrants. Reported, doubtfully, to be off Waimanalo. Frank Craig surrenders himself to the police. Two of Captain Miller's Japanese also arrested.

Surprised as were the local authorities when the officials of the Alaska cannery companies raided the waterfront Thursday night and carried off one hundred and twenty-five laborers in the face of organized law, they were still more astonished at the audacity of the men of the northern corporations when the Senator steamed brazenly over the horizon yesterday evening and disappeared from sight, without having cleared and after refusing the high sheriff permission to board and perform his duties. The whereabouts of the Senator is now unknown, although a tug captain reported her off Waimanalo last night. She is supposed, however, to have more likely steamed for Hawaii.

This rebuff capped a decision rendered by the supreme court in the morning in which that tribunal voiced its strong disapproval of the methods used in taking emigrants off the Korea and holding them incommunicado at the county jail. The entire day, in fact, was one of rebuffs for the special prosecution engaged to fight the recruiting agents in the courts and the police. High Sheriff Henry was laughed at by the skipper of the emigrant ship when he went out to her in the morning to serve a writ. In the evening he was again refused permission to board and a few minutes later, in her last act of defiance to constituted law, federal as well as territorial, the steamer sailed away.

The office of Kinney, Ballou, Prosser & Anderson, which has been a scene of almost continuous activity during the week, was last night closed for the first time, Judge Ballou expressing his opinion that the incident was closed with the exception of the prosecution of the various men arrested.

Distinctive Methods.

High Sheriff Henry seemed to be the only one of those who went out to the Senator yesterday whom the officers of that ship did not appear to desire on board. Attorney Olson, of the firm of Holmes, Stanley & Olson, went out to the ship shortly before, and after a few explanations, was permitted on board. With no trouble whatever he was permitted to take back a Portuguese boy who had run away from home.

Shortly afterwards the high sheriff appeared alongside. He was dressed in his official uniform, his gold aiguillettes gleamed across the expanse of his bosom in the morning sun and his braid shone charmingly in contrast to the dusky sides of the ship. He called to the captain that he was the High Sheriff of the Territory of Hawaii and demanded that he be permitted to come on board to serve a writ in his possession. The captain was more gentlemanly in reply, leaning over the side and in honeyed tones and a pleasant smile, he responded:

"Nothing doing!"

The high sheriff returned and the steamer continued to swing on the tide beyond the reef. The only other visitor in the morning was Chief McDuffie, who went out in the police launch and circled the ship on his way to Pearl Harbor which he patrolled for a short time and returned. As he passed the vessel the rail was dotted with heads and numbers of his old acquaintances who have many times twisted their ears in their hands before him, in the little dingy but historic office at police headquarters heaped with upstart on him and expressed long pent up feelings.

Minors Many.

While Olson was the only one who succeeded in getting into touch with the officers of the vessel, complaints concerning the presence of minors on board were many. Two days ago, a Portuguese and a German mother both telephoned to United States District Attorney Breckons and asked that their boys be prevented from leaving for the canneries. The one that Olson took off yesterday is supposed to be one of these.

Other complaints have been numerous.

A Portuguese woman called on the sheriff yesterday noon and also pleaded for the release of her boy, who, attracted by the glittering promises of adventure, had left his home and gone with the emigrants. She was also referred to the United States officials, as the sheriff could do nothing. The pathos of the mothers who have lost their sons through the promises of the recruiters is one of the details of the whole affair which adds a sadly personal point of view to what is otherwise a fight between corporations.

During the morning Kube and Salto, two of Captain Miller's Japanese, were arrested by Harry Lake.

Fix Positions.

During the day the Senator, which had been steaming off the coast, anchored near the British steamer off the channel, supposedly on orders from the collector of the port. There were many guesses as to her position and finally Mr. Ballou and Surveyor E. D. Baldwin went to the top of Punahonui and through the medium of trigonometry fixed the position at a mile and a half off shore.

Mr. Ballou at once returned and getting the high sheriff the two again went out in a launch. Henry read his commission and every routine detail as demanded by law was complied with. The same refusal was met with and the two steamed back. As they were returning, Attorney Dora of the Alaska interests and Captain Miller passed them going out. Twenty minutes later the steamer was steaming southward, while Miller's launch returned with Miller, Dora and Craig.

Craig Surrenders.

As Craig stepped on shore he was seized by Chester Doyle, while Harry Lake read the warrant, and then taken to the police station. There he was charged with the violation of the new act just passed by the legislature relating to emigrant agents. He hurt the feelings of Lake considerably by refusing to shake hands with him, which was the very last rebuff of them all.

The note in the San Francisco Guide that the Senator had cleared from there to Honolulu on Hawaii, which was first thought to have been a mistake is now possibly correct and that may have been her destination last night.

It is significant that she left as soon after the wireless offices were closed as was possible for her to do without giving the local authorities a chance to catch one of the operators on the other island and warn the other county authorities.

It will not be surprising to hear that she has made a raid on the Hawaii coast similar to the one she perpetrated at Honolulu, as there is little knowledge of the new law down there as well as no adequate force to handle the careful planners on board the modern labor-ship.

One of the features on the side during yesterday's developments was the libeling of all of Captain Miller's fleet with the exception of one launch, by H. Hackfeld & Co.

The Court Decision.

The decision rendered by the supreme court goes into the case relating to the Korea emigrants very thoroughly and is most unqualified in its disapproval of certain of the features connected with it, particularly City Attorney Cathcart's order, which barred the men from getting on shore.

It also held that the circuit court judge had no right to issue the order and there is a word for every one connected with the matter. The decision said in part:

"The common law" referred to by the authorities, whether inclusive or exclusive of the statutes of Philip and Mary, gave the power to justices of the peace and coroners only and not to courts of general jurisdiction corresponding in any degree to our circuit courts or judges, limited it at most to cases where an indictment had been found or where the accused on a preliminary examination had been committed for trial or held to await the action of the grand jury and authorized imprisonment only in the event of refusal of the witnesses to appear or to furnish recognizances as ordered.

"In the case at bar at the time of the issuance of the order no indictment had been found or presented or filed in court or submitted to the grand jury for finding either against E. de Guzman or against any other person charged with the offense mentioned in the affidavit of the attorney-general, no person had been after preliminary examination by the magistrate, committed for trial or held to await the action of the grand jury and the proposed witnesses were committed to jail without having been given any opportunity to furnish recognizances. The order did not define the amount of the recognizances. Even if, therefore, certain powers of this general nature existed at the common law, whether with or without the aid of the statutes of Philip & Mary, they were not such as to support the issuance of the order now under consideration, both because they did not relate to courts of a jurisdiction similar to that possessed by our circuit courts and judges and also because they could be exercised only in a mode and under circumstances not followed or existing in the case of these petitioners.

"Under the terms of the statute the order there mentioned can only be made (1) when an indictment has been 'preferred' or (2) when an indictment is 'about to be preferred.' Respondent contends under the circumstances that this case that no indictment had been 'preferred' within the meaning of the statute but claims that one was 'about to be preferred.' The argument advanced being, apparently, that the word 'preferred' imports a presentation of the indictment for the purpose of being found, or in the alternative, a finding by the grand jury. Three possible constructions of the word suggest themselves: (1) that it refers to a formal presentation against the defendant in court, (2) that it refers to a filing in court for subsequent formal arraignment, and (3) that it refers to a submission to the grand jury for finding or rejection. What the correct construction is need not be determined, for even though that view be taken which is most favorable to the respondent the commitment is, in any event, invalid.

"The order requires of the proposed witnesses recognizances 'to appear and testify before the grand jury.' What the statute authorizes—and its language in this respect is clear—is a requirement to appear and testify 'at the trial of such indictment.' We are aware of no provision of the common law broader in this respect than the

"The petition for a writ of habeas corpus conferred by the statute. The trial of such indictment" does not include an investigation by a grand jury which may or may not result in an indictment or trial. The order does, indeed, provide 'that in default of the furnishing of such recognizances' the witnesses be detained 'until after the hearing of any indictment which may be brought by said grand jury,' but this cannot cure the defect. The witnesses cannot lawfully be detained for failure to comply with an order to furnish recognizances not authorized by law.

Corpus was signed by one Frank B. Craig on behalf of the fifteen persons already referred to, and alleges that this course was followed for the reason that it is impossible to obtain the signatures or oaths of said parties to a petition of a like nature in their own behalf, they having been denied by the hereinbefore named Julius W. Aesch (acting under the instruction, as petitioner is informed and believes, and upon such information and belief alleges, of John W. Cathcart, attorney for the City and County of Honolulu) the privilege of consulting counsel engaged to represent them or the right to affix their signatures to a petition prepared in their behalf and directed to the supreme court of Hawaii, praying their liberty, which said petition so prepared said parties were and are willing and desirous of signing and having presented to said supreme court. The truth of this assertion was not denied in the return or in any of the evidence adduced. On the contrary it was attempted to be justified at the closing argument. While no specific relief is asked of us in this respect, we deem it appropriate to express our unqualified disapproval of the procedure complained of. One of the fundamental rights of every citizen is that of being represented by counsel in judicial proceedings, and in this instance it is immaterial whether the request for the employment of counsel originated with the petitioners themselves or with some one else in their behalf. Impediments to the free exercise of the right by the persons in the situation in which these petitioners found themselves are intolerable. 'The order of the circuit judge is unauthorized by law and invalid. The petitioners are discharged.'

THEATER BENEFIT FOR CAPTAIN SAM

HONOLULU AMUSEMENT COM-
PANY GIVES ORPHEUM FOR
MATINEE SHOW.

Another big benefit has been planned for Captain Sam, the courageous Hawaiian navigator whose schooner, the Mo'i Wahine, was rammed and sunk several weeks ago in the Molokai channel by the lighthouse tender Kukui. Several organizations have raised large sums toward this fund, and now a proposition comes from General Manager Scully of the Honolulu Amusement Company, who proposes to give a matinee vaudeville benefit for Captain Sam at the Orpheum Theater next Saturday afternoon.

The program which Mr. Scully, with the assistance of Mr. Jourdain, the singer, will prepare, includes eight acts to be put on by the best vaudeville talent in the city. The program will include all those who are working at the various theaters of the company, and Hughes' Orchestra will furnish the music.

At the suggestion of several persons who have been interested in the raising of the general fund, Manager Scully will request Mr. Clark, cashier of Hind, Ralph & Co., Rev. Stephen Desha and George Smithies to act as a committee to handle the financial end of the matter and take charge of the entire box receipts of the matinee.

It is proposed to put out tickets early this week, to be sold for the benefit. In order to make each ticket money for Captain Sam as possible, and as all receipts are to be turned over to the finance committee, the front part of the house will be set aside for higher priced tickets. The seats there will be seventy-five cents and the remainder of the house will be sold at fifty and twenty-five cents, and Captain Sam will get it all.

The artists who will assist in this performance will be the famous Hidalgo, Spanish dancers; Jones and O'Brien, colored comedians; Dolliver and Rogers, the dancing and singing team; Winnie Baldwin, the singer; Hilda Carle, singer; Hattie, the juggler; Dolly Grooms, dancer and singer; Jourdain and Gervaise, operatic singers.

MINE EXPLOSION ENDS LIFE FOR 55 MINERS

SCRANTON, Pa., April 8.—Eighty-five are known to be dead as the result of the explosion here yesterday in the coal mines. The fire is under control.

HOW TO PREVENT CHOLERA.

When cholera is present in the community take Chamberlain's Colic, Cholera and Diarrhoea Remedy on the first unusual looseness of the bowels and the attack may be checked in its incipency.

HOMESTEADING IN LIMELIGHT

FAIRCHILD LEADS ATTACK IN
SENATE ON LAND AND
WATER POLICY.

(From Sunday's Advertiser.)
Riparian rights and remunerations formed a little bombshell dropped unexpectedly into the deliberations of the senate yesterday morning, when Fairchild led a bitter but brilliant fight against the land policies of the Territory and what at present appears to be an extremely foolish, if not worse, handling of the water properties of the people.

Fairchild has long been looking for opportunity to enter the wedge with which he intends to reopen the entire land question and impress on the public what he believes to be a "bluff" on the part of the government and others concerning homesteading and relative matters. This opportunity he seized yesterday, when Kaleiopi moved an apparently irrelevant amendment to the appropriation bill which was at that moment under discussion, preliminary to passing it at third reading.

Kaleiopi's motion was to cut down the expense allowance of the public lands department from over twenty thousand to \$10,000, this amendment in turn being amended by Quinn to read \$15,000. The money thus saved was quickly moved by Hewitt to be added to the expense allowance of the surveyor's department. The chair being presented with three motions to put never got a chance to put any of them, but will find them still before it tomorrow morning.

After discussion on this point had waxed to healthy dimensions, President Knudsen sent the sergeant-at-arms after Surveyor Wall, and Wall's appearance was afterwards followed by that of the superintendent of public works, who, however, did not arrive in time to take part in the discussion.

Hewitt asked the surveyor if it was not true that he was compelled by law to make a large quantity of work for reason of a lack of funds, and Wall stated that in some cases it was. Fairchild then arose, and remarking that his coming question was probably not germane, asked Wall if his department had ever measured the water flow of streams.

Wall answered that his department had several times done so at the request of the superintendent of public works, but that it was not a practice. He added that the department was qualified to do so if it became necessary.

Lack of Data.

Fairchild then spoke angrily on the lack of information and data in the government archives relating to the flow and measurement of waters being leased from the Territory. He stated that of the twenty-five or more water leases at present in existence the government did not have any knowledge of any one of them. He called attention further to the fact that these water rights, which were being peddled out to plantations, were the most valuable assets of the Territory, and that it had never taken the trouble to place the distribution of its waters on a scientific basis, being content to give them all to the corporate interests for the asking, without troubling itself to determine their value.

He stated that he was in favor of giving the surveyor all the money that was needed, and would vote for any sum, providing it was found that it was needed, but that he did not see why the senate or the legislature as a whole should give anybody any money just because he happened to ask for it. He added that he considered the body of which he was a member the directors of a corporation, upon which rested the obligation of seeing that for all the money which was expended the Territory got an equitable return.

Although his argument was never permitted to get to the point where he demanded that the intended increase of the surveyor's allowance should be granted on condition that it was to be expended in large part in measuring the flow of streams, his entire argument was for that purpose.

The Homestead "Fake."

Afterwards he branched off bitterly into the homestead question, which he referred to as a "fake." He is planning his fight in the senate, which is to come on his land bill, on the basis of a claim that the Territory must either go to Washington now and admit that its homesteading "gabbie," as he referred to it yesterday, was a bluff, or it would have to go later to make the confession.

"Roundabout Grabbing."

In an interview he claimed that the opposition on the part of a number of the planters already manifested towards his land bill is the result of a tortuous policy to obtain land at a rate they believed would be far cheaper than a direct acquisition. He referred to the notorious habit of homesteading for the sake of selling the land so secured to the plantations, he commencing his attack on this procedure yesterday on the floor of the senate when he referred to "Hawaii's fake homestead gabbie." Those planters, he asserts, who have come out directly for the bill, are those who have realized that the plantations could do better by the more open and direct way of securing the land in fee through the amendments to the land policy which his bill provides for, and which as he claims, will also permit the government to derive its proper due from the rentals of its domain.

Thinks Confession Coming.

He admits that to go to Washington at present would be to admit that the policy for which a special session of the legislature was called and congress was asked particularly to adopt was a bluff. He asserts that he sees no difference in doing it now and doing it several years hence when it will probably receive universal acclamation, "after everyone has got what he wanted."

The fun, however, has just commenced in the senate. The whole matter, probably opened by Kaleiopi's motion yesterday, comes up Monday for further discussion. It is rather laughable to note that after Wall and Campbell were on the floor yesterday and

KISSING IN THE CURRICULUM

HILO HIGH SCHOOL PRINCIPAL IS
OUT PENDING FINAL
DECISION.

(Special Wireless to The Advertiser.)
HILO, April 8.—Superintendent Pope has suspended Principal Richmond of the Hilo High School, pending a final decision in his case by the Honolulu authorities after the evidence obtained is laid before them. Pope sailed for the capital today on the Honolulu.

The sixth, seventh and eighth grammar grades of the school are to resume work on Monday, those departments having no part in the scandal that has upset the work of the other departments. These other grades will not reopen until the inquiry has ended and a decision has been reached.

A part of the allegations made against Richmond is that he was in the habit of kissing some of the girl students.

Mrs. Compton Left Hilo.

(Mail Special to The Advertiser.)

HILO, April 7.—(I'll ruin the High School and have Richmond removed from his position," is a charitable remark attributed to Mrs. Compton, who for some months past has been English teacher at the Hilo High School. The remark is vouched for by a person of undoubted integrity and, if quoted correctly, tells in a nutshell, what the school commissioners are up against.

Two days have now been consumed by Superintendent of Public Instruction Pope, in regard to the High School investigation. Up till Thursday evening, absolutely nothing definite has been stated by any of the signers of the petition that was forwarded to Honolulu.

No Definite Charges.

No charge of any sort had been made and all the signers of the petition could only state that they had heard rumors of various kinds. And, to cap it all, two of the men whose signatures appear on the petition, declare that they never signed the document. Their wives attended to that little matter during the husband's absence in the country.

Unless something much more definite is brought forward the high school will open as usual on Monday next, and Principal Richmond will still be in charge.

Mrs. Compton on Maui.

Mrs. Compton, the teacher about whom the whole affair seems to revolve, is now on Maui, where she departed for on the Chudine last Monday. The fact that she left Hilo just as the investigation was to be made, is commented upon unfavorably by many people.

According to good authorities there has been trouble at the high school ever since Mrs. Compton arrived from the Coast to take up her duties. It is alleged that Principal Richmond wrote several letters to the school commissioners, complaining of the lady teacher's manner toward him. Richmond is alleged to have, in one letter, stated that he would try and put up with Mrs. Compton for the term that she was engaged for, but that it would be hard work to do so.

Was Highly Recommended.

Mrs. Compton was engaged by Richmond while he was on the mainland some months ago. Richmond was given authority to engage a competent teacher for the high school, and, as Mrs. Compton was highly recommended by a professor who was an old friend of Richmond's, she was offered the position at the Hilo High School.

There are all sorts of rumors going the rounds, and yet nobody seems able to come forward and state anything plainly. Even the parents who signed the petition are against their children's appearing before Superintendent Pope. The superintendent is not anxious to have the pupils give evidence, as it is claimed that some of them are dominated by Mrs. Compton, and in any case it would not be good for discipline.

Regarding the Japanese girl student who is alleged to have been instructed by Mrs. Compton to call on Inspector Gibson and to tell him all she knew of any scandal, it has been denied that the girl in question was refused an interview with Mr. Gibson. The girl called at the Hilo Hotel, but Gibson was not there at the time. The statement attributed to the inspector, in which he is alleged to have said that he would not believe a Japanese, is absolutely denied here.

Citizens Taking Sides.

The townspeople are taking sides in the affair, and while some of the citizens stand by Mrs. Compton, there are many others who claim that there is nothing against Richmond and that he is the victim of a scheming woman. It is possible that Mrs. Compton will return from Maui on Sunday next, but nothing definite is known at present.

NATIONAL UNIVERSITY FOR PUBLIC SERVANTS

WASHINGTON, April 8.—Senator Borah introduced a bill in the senate today for a national university in Washington, to train the youths of America for public service.

BETTER THAN A PLASTER.

For pains in the side or chest dampen a piece of flannel with Chamberlain's Palm Balm and bind it on over the seat of pain. There is nothing better. For sale by Benson, Smith & Co., Ltd., Agents for Hawaii.

The matter had just come up, indeed, while there were motions before the house, the senate suddenly remembered that there was a baseball game in the afternoon and adjourned until Monday morning.

Brown and Chillingworth are both helping Fairchild form his flying wedge on the water question.

AMERICAN FORCE IS WIPED OUT

Adventurers Led by
Deserter Killed or
Captured.

FIGHT NEAR CAPITAL

Puebla Rebels Trap a
Force of Ninety
Regulars.

MEXICALI, Lower California, April 9.—A force of four hundred rurales, under command of Lieut.-Col. Juan N. Basque, with mountain guns and machine guns, whose advance yesterday was challenged by Williams, a deserter from the American army, at the head of eighty-five American adventurers, won a complete victory over the American column and wiped the Americans out. Of the eighty-five, only twenty managed to escape death or capture.

Williams, the insurrecto leader, fell badly wounded, into the hands of the rurales. Those who were with him during the battle, which was fought out with desperation, say that his wounds are fatal.

Madero Breaks Camp.

CHIHUAHUA, Mexico, April 9.—General Madero broke camp yesterday and moved off with an army of three thousand men in the direction of Casas Grandes.

Federals Trapped.

ATLIXCO, Puebla, Mexico, April 9.—The first actual battle in the present insurrection to take place in this State was fought yesterday, resulting in a victory for the rebels that has fired the surrounding country. Word having reached here that a band of Maderistas was gathering near the city, a detachment of troops was sent out to break it up and nip the uprising in the bud. The federals apparently walked into a trap set for them, being ambushed and surrounded. The detachment of ninety men was annihilated.

Millions for Pacification.

CITY OF MEXICO, April 9.—The chamber of deputies yesterday voted an emergency appropriation of four million dollars for the carrying on of the operations against the insurrectos and for the pacification of the country.

ALASKA HAS NO FURTHER CHARM

SAN FRANCISCO, April 8.—Few of the Filipino, Porto Rican and Portuguese laborers who arrived in San Francisco from Hawaii sailed today when a vessel left for the Alaskan canneries. Most of those who came refused to go north after they had learned more about the conditions of their employment, and will try to get employment in California.

CONVIOTS KILLED IN MINING DISASTER

BIRMINGHAM, Alabama, April 8.—One hundred and fifteen convicts employed in the mines here were killed as the result of an underground explosion.

ARIZONA CONSTITUTION IS NOT YET DECIDED

WASHINGTON, April 8.—President Taft will not decide upon the Arizona constitution until congress acts.

CHEST OF SILVER TO GO FOR ONE DOLLAR

Royal silverware was disposed of yesterday by a resolution which was adopted by the house and went to the senate, to sell to Prince Kalaniana'ole, delegate to congress, the chest of plate which once belonged to the late King Kalaniana'ole, for one dollar.

The finance committee made a report to table the first resolution for this purpose and substituting another, which passed, Williamson opposing. It was stated that there was no record of ownership and the plate could not be "presented" so the "one dollar" clause was inserted. The resolution is as follows:

"Whereas, there is now stored in the archives building of the Territory of Hawaii, a certain chest of silverware that was used in the palace during the reign of H. M. King Kalaniana'ole; and

"Whereas, no good purpose can be served by retaining said chest of silverware in the custody of the government; and

"Whereas, it is peculiarly appropriate that said silverware should be available for use by the successor in family and estate of his said Majesty King Kalaniana'ole; to wit: Honorable Josiah K. Kalaniana'ole; therefore be it